

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SCOTT ANDREW THOMAS,

8:07CV401

Plaintiff,

v.

**MEMORANDUM
AND ORDER**

EUGENE OLIVELTO, Dr., DENISE
GREEN, and JEFF NEWTON,

Defendants.

This matter is before the court on Plaintiff's Motion to Extend Time for Service. (Filing No. [16](#).) For good cause shown, Plaintiff shall have until November 18, 2009, to complete service of process. If Plaintiff fails to complete service of process by November 18, 2009, this case will be dismissed without further notice. **No further extensions of time to serve Defendants will be permitted.**

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Extend Time for Service (filing no. [16](#)) is granted. The Clerk of the court is directed to send THREE (3) summons forms and THREE (3) USM-285 forms to Plaintiff together with a copy of this Memorandum and Order. Plaintiff shall, as soon as possible, complete the forms and send the completed forms back to the Clerk of the court. In the absence of the forms, service of process cannot occur.

2. Upon receipt of the completed forms, the Clerk of the court will sign the summons forms, and will forward the forms back to Plaintiff for service of process.

3. [Fed. R. Civ. Pro. 4](#) requires service of the complaint on a defendant within 120 days of filing the complaint. However, on the court's own motion,

Plaintiff shall have until **November 18, 2009**, to complete service of process. **No further extensions of time to serve Defendants will be permitted.**

4. In the event that Plaintiff fails to complete service of process on Defendants by November 18, 2009, this matter will be dismissed without prejudice and without further notice.

5. The Clerk of Court is directed to set a pro se case management deadline in this case with the following text: "November 18, 2009: Check for completion of service of summons and dismiss if not completed"

6. The parties are bound by the Federal Rules of Civil Procedure and by the Local Rules of this court. Plaintiff shall keep the court informed of his current address at all times while this case is pending. Failure to do so may result in dismissal.

October 19, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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